

OA091 (Rev. 12/03) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT

MAY 16 2008

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

ROBERTO VASQUEZ-RAMOS (a.k.a. Raul Gonzalez)

CRIMINAL COMPLAINT

Case Number: 4-08-70291

WDB

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 11, 2008 in Contra Costa County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

On or about May 11, 2008, in the Northern District of California, the defendant ROBERTO VASQUEZ-RAMOS (a.k.a. Raul Gonzalez), an alien who was previously deported to Mexico on or about January 12, 2007, was found in the United States, after knowingly reentering and voluntarily remaining in the United States, without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States,

in violation of Title 8 United States Code, Section(s) 1326(a).

I further state that I am a(n) Special Agent, DHS-ICE and that this complaint is based on the following facts:

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Rocio Franco, Special Agent DHS-ICE

Printed Name of Complainant

Approved as to form: Lara Kroop
For Kessie Stewart

Sworn to before me and signed in my presence,

5/16/08
Date

at

San Francisco CA
City State

Hon. Edward M. Chen

Name of Judge

Title of Judge

Signature of Judge

AFFIDAVIT OF ROCIO FRANCO IN SUPPORT OF CRIMINAL COMPLAINT

I, Rocio Franco, Special Agent, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1) This affidavit is submitted in support of a criminal complaint against ROBERTO VAZQUEZ RAMOS, a/k/a RAUL GONZALEZ for violating 8 U.S.C. § 1326(a). The facts set forth in this Affidavit are based on my review of RAMOS' official Immigration Service file (No. A99 827 895), my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all the facts related to RAMOS that I know.

II. AGENT'S BACKGROUND AND EXPERTISE

2. I have been a Special Agent with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately 4 years. I am currently assigned to ICE's San Francisco, California office, and I am responsible for enforcing federal, criminal statutes involving criminal aliens who reenter the United States illegally.

III. APPLICABLE LAW

3. Title 8 U.S.C. § 1326(a) provides criminal penalties for "any alien who . . . has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act"

IV. FACTS ESTABLISHING PROBABLE CAUSE

4. ROBERTO VAZQUEZ RAMOS, a/k/a RAUL GONZALEZ, is a 25 year-old male who is a native and citizen of Mexico. RAMOS was deported from the United States to Mexico on or about January 12, 2007. RAMOS last entered the United States illegally on an unknown date between January 12, 2007 and May 11, 2008. I know this because RAMOS was arrested in Concord, California by the Concord Police Department on May 11, 2008. RAMOS knowingly remained in the United States without first having obtained the consent to reapply for admission from the Attorney General of the United States or the United States Secretary of Homeland Security. Today, the defendant admitted that he was a citizen of Mexico, that he was previously removed from the United States, and that he reentered the United States voluntarily after

removal.

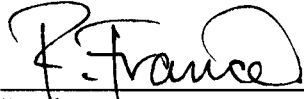
5. The official Immigration Service file for RAMOS contains one executed Warrant of Removal. The Warrant of Removal is dated January 11, 2007 one day before RAMOS was deported from the United States to Mexico.

6. On May 16, 2008 RAMOS had his fingerprints enrolled into the ICE Integrated Automated Fingerprint Identification System (IAFIS). IAFIS is a fingerprint comparison system which compares an individual's ten fingerprints to prior immigration apprehensions and the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC). The IAFIS result was a positive match with the prior NCIC record of ROBERTO VAZQUEZ RAMOS and the prior deportation of RAMOS on January 12, 2007. An FBI fingerprint comparison of RAMOS' fingerprint on his January 12, 2007 Notice to Alien Ordered Removed/Departure Verification to fingerprints taken upon RAMOS' current arrest has been submitted. The results are pending.

7. There is no indication in ICE's official files that RAMOS has applied for or been granted the requisite permission to reenter the United States from either the Attorney General of the United States or the Secretary of Homeland Security.

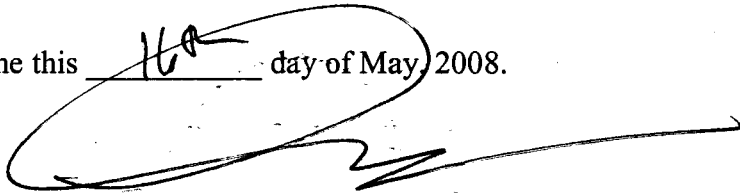
V. CONCLUSION

8. On the basis of the above information, I submit that probable cause exists to believe that ROBERTO VAZQUEZ RAMOS, a/k/a RAUL GONZALEZ illegally reentered, knowingly remained, and was found in the United States following deportation, in violation of 8 U.S.C. § 1326(a).



Rocio Franco
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
San Francisco, California

Subscribed and sworn to before me this 16th day of May, 2008.



The Honorable Edward Chen
United States Magistrate Judge
Northern District of California
San Francisco, California